

B. Stale Cases

Effective enforcement relies upon the timely pursuit of complaints and referrals to ensure compliance with the law. Investigations concerning activity more remote in time usually require a greater commitment of resources primarily because the evidence of such activity becomes more difficult to develop as it ages. Focusing investigative efforts on more recent and more significant activity also has a more positive effect on the electoral process and the regulated community. EPS provides us with the means to identify those cases that, _____ remain unassigned for a significant period due to a lack of staff resources for an effective investigation. The utility of commencing an investigation declines as these types of cases age, until they reach a point when activation of such cases would not be an efficient use of the Commission's resources.

We have identified _____ cases that have remained on the Central Enforcement Docket for a sufficient period of time to render them stale. We recommend that cases be closed³

III. CASES RECOMMENDED FOR CLOSURE FOLLOWING PERMANENT TRANSFER TO ADR

Additionally, the ADR Office has bifurcated the respondents in ADR 027 (formerly MUR 5062) by reaching settlements

³ These cases are: P-MUR 395 (*College Republican National Committee*); MUR 4948 (*Republican Leadership Council*); and MUR 5032 (*Million Mom March*).

22-04-405-4678

with fourteen respondents and returning the remaining eleven respondents with whom the ADR Office could not reach a settlement or receive a buy-in into the ADR process. This Office recommends closing the remaining eleven respondents in ADR 027, including Westside Chemical Company.

22.04.405.4679

V. RECOMMENDATIONS

OGC recommends that the Commission exercise its prosecutorial discretion and close the cases listed below effective two weeks from the day that the Commission votes on the recommendations. Closing these cases as of this date will allow CED and the Legal Review Team the necessary time to prepare closing letters and case files for the public record.

1. Decline to open a MUR, close the file effective two weeks from the date of the Commission vote, and approve the appropriate letter in:

P-MUR 395

2. Take no action, close the file effective two weeks from the date of the Commission vote, and approve the appropriate letters in:

MUR 4948

MUR 5032

MUR 5196

22-04-405-4680

3. Take no action, close the file effective two weeks from the date of the Commission vote, and approve the appropriate letters in ADR 027 (formerly MUR 5062) with respect to the following respondents:

Verdegaal Brothers, Inc.; Overland Stock Yards; E & B Landscape and Garden Supplies, Inc.; Westside Chemical Company; Quick Signs, Inc.; Gregory Schneider; Western Building Properties Association; Orosi Swap Meet; Schaller Bail Bonds; Triple B Farms; and Arvel Legal Systems.

10/26/01

Date



Lawrence H. Norton
General Counsel

22-04-405-4681

MUR 5196
GENERAL MEDIA CONSULTANTS

Complainant, Richard Ellision, alleges that General Media Consultants, Steven Stockman, and Mark J. Brewer violated 2 U.S.C. § 441(d) during the 2000 Republican Primary in the 7th Congressional District of Texas by conspiring to disseminate false and defamatory information about candidate John Culberson without identifying themselves as the parties who distributed or sponsored the printed communications.

Respondents Stockman and Brewer denied distributing the materials. Additionally, they asserted that the materials did not "expressly advocate" the election or defeat of a candidate and, therefore were not subject to the FECA.

Respondent Pacesetter Personnel Services denied any interest in the Congressional campaign and explained it merely had a request for day workers to pass out literature, which it filled.

Respondent Cory Birenbaum stated that he was not a named respondent in the complaint. Furthermore, the conduct alleged by the complainant did not evidence a contribution or solicitation of a contribution. Therefore, Mr. Birenbaum argues that he did not violate the FECA.

Respondent Davis Ford stated that neither he nor his organization, Citizen's for Platform Accountability, expressly advocate for the election or defeat of any particular candidate.

This matter is less significant relative to other matters pending before the Commission.

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